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Sec. 18-1. Creation of Building Board of Appeals.

In order to determine the suitability of alternate materials and methods of construction, to provide for reasonable interpretations of the various building and construction codes adopted by the Town and to hear appeals from decisions or orders of the Building Official, there shall be and is created a Building Board of Appeals consisting of all of the duly elected, qualified and acting members of the Board of Trustees, or such other persons as the Board of Trustees may appoint.

(Prior code 15.20.010; Ord. 1-2001 §1; Ord. 9-2012 §1)

Sec. 18-2. Powers of Building Board of Appeals—appeals and variances.

The Building Board of Appeals shall hear and determine appeals from the decisions and orders of the Building Official concerning the enforcement, interpretation and/or modification of the various building and construction codes adopted by the Town. In addition, the Building Board of Appeals shall have the power, in its discretion, to approve the use of alternate materials and methods of construction, provided that an applicant demonstrates that the proposed design, materials or method of work is at least equivalent to that prescribed in the applicable building code in suitability, strength, effectiveness, fire resistance, desirability, safety and sanitation, together with such other reasonable criteria as may be required by the Building Board of Appeals. Further, whenever there are practical difficulties involved in carrying out the provisions of the various building and construction codes adopted by the Town, the Building Board of Appeals may grant modifications thereto in individual cases, provided that the applicant shall first demonstrate that a special reason or hardship makes the enforcement of the strict letter of the applicable code impractical, and that the requested modification is in conformity with the spirit and purpose of the applicable code and such modification does not lessen any fire protection, health or safety requirement, or any degree of structural integrity. Requests for variances from the provisions of the building and construction codes, or requests to use alternative materials or construction methods, shall be submitted in writing to the Town Clerk and shall be heard and voted upon by the Building Board of Appeals at a public meeting.

(Prior code 15.20.020; Ord. 1-2001 §1; Ord. 7-2002 §1)

Sec. 18-3. Appeals from decisions of Building Official.

- (a) Appeals to the Building Board of Appeals may be taken by any person subject to and aggrieved by a decision of the Building Official or other Town enforcement official made under this Chapter. Such appeal shall be taken within ten (10) days from the date of the decision sought to be appealed by

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filing with the Town Clerk a written notice specifying the grounds thereof and paying any applicable filing fee. The Town Clerk shall notify the Building Official of the appeal and promptly transmit to the Building Board of Appeals all papers constituting the record upon which the action or decision being appealed was taken. A timely appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Building Board of Appeals that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Building Board of Appeals or by a court of competent jurisdiction for good cause shown on notice to the Building Official.

- (b) The Building Board of Appeals shall fix a reasonable time and place for a hearing on an appeal and shall direct the Town Clerk to send notice thereof in writing by regular mail to the parties not less than ten (10) days in advance. Any interested party may appear in person or by agent at the hearing and be heard. Absent good and just cause, the failure of an appellant to attend the hearing on his or her appeal shall constitute an abandonment of the appeal and no further proceedings shall be had thereon. Appeals shall be heard and determined in a reasonably prompt fashion.
- (c) The concurring vote of a majority of the entire membership of the Building Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter. Final decisions of the Building Board of Appeals shall be reduced to writing and signed by the chairperson, shall set forth a plain statement of the grounds and reasons therefor and shall be delivered to the appellant and all other interested persons.

(Prior code 15.20.030; Ord. 1-2001 §1; Ord. 9-2012 §2)

Sec. 18-4. Consultants.

The Building Board of Appeals shall have the power to retain or consult with individuals who, in the opinion of the Building Board of Appeals, have special expertise in the particular field involved in an appeal or request for variance, and to give the opinions of such consultants such weight as the Building Board of Appeals shall deem appropriate.

(Prior code 15.20.040; Ord. 1-2001 §1)

Sec. 18-5. Delegation of authority.

- (a) The Board of Trustees may appoint five (5) persons to comprise and serve as the Building Board of Appeals under this Article as an alternative to the Board of Trustees performing such functions as specified in Section 18-1 above. Appointees need not be qualified electors of the Town and shall be selected on the basis of their experience or expertise, if any, in the construction and building trades. Appointees shall serve four-year terms and may be reappointed to office without limit. The Board of Trustees may also appoint two (2) alternate members who shall serve four-year terms and perform the duties and responsibilities of a regular member in the absence or disqualification of a regular member, or in the event of a vacancy on the Building Board of Appeals.
- (b) The Board of Trustees may enter into an intergovernmental agreement for the provision of a Building Board of Appeals for the Town under this Article as an alternative to the Board of Trustees performing such functions as specified in Section 18-1 or the appointment of individuals as specified in Subsection (a) above.
- (c) Any Board of Appeals appointed under this Section shall have the same power and authority as described and vested by this Article in the Building Board of Appeals and shall perform its duties and responsibilities consistent therewith. All decisions of the Building Board of Appeals shall be final.

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(Ord. 1-2001 §1; Ord. 9-2012 §3)

Secs. 18-6—18-20. Reserved.

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Sec. 18-21. Adoption of building codes and specified Chaffee County building regulations.

- (a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference as the building code of the Town for buildings and structures other than one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and their accessory structures, Chapters 1 through 35 and Appendix I of the International Building Code, 2006 edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the primary purpose of protecting the public health, safety and welfare.
- (b) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference as the building code of the Town for one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, Chapters 1 through 43 and Appendices A, B, G, H, J and O of the International Residential Code, 2006 edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-22 of this Article. The subject matter of the adopted code includes regulations for the construction, repair and maintenance of one- and two-family dwellings and townhouses for the purpose of protecting the public health, safety and welfare.
- (c) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is also hereby adopted by reference as supplemental building regulations to the Town's building and construction codes, the Chaffee County Minimum Footing and Foundation Requirements, the Chaffee County Insulation and Window Requirements, and the Chaffee County Basic Snow Design Loads and Snow Load Areas Map, adopted and published by the Board of County Commissioners for Chaffee County, Colorado, P.O. Box 699, Salida, Colorado 81201, pursuant to Chaffee County Board of County Commissioners Resolution 2002-9, dated April 16, 2002, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted regulations includes standards for the construction, repair and maintenance of buildings and structures for the primary purpose of protecting the public health, safety and welfare.

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(Ord. 9-1993 §1; Ord. 7-2002 §2; Ord. 7-2007 §§2,3)

Sec. 18-22. Amendments and deletions.

(a) The International Building Code (IBC) as adopted by the Town pursuant to Section 18-21 above is amended with respect to the following sections and/or provisions:

(1) Section 101.1 is amended by adding, " ... Building Code of The Town of Buena Vista, Colorado ... "

(2) Section 101.4.1, Electrical, is amended in its entirety to read:

"The electric code shall be the National Electrical Code, 2005 Edition. For structures built under the provisions of the IRC, the requirements of Part VIII-Electrical shall be equivalent to the NEC. Any references in this code to the ICC Electrical Code shall instead refer to the 2005 NEC."

(3) Section 101.4.4 is amended by replacing "International Private Sewage Disposal Code" with "Town of Buena Vista On-site Wastewater Treatment System Regulations."

(4) Section 101.4.5, Property maintenance, is amended in its entirety to read:

"All references to provisions of the Property Maintenance Code shall not apply unless specifically adopted by the appropriate governing body."

(5) Section 101.4.6, Fire prevention, is deleted and replaced with the following:

"The International Fire Code as adopted by the Town of Buena Vista Commissioners shall apply."

(6) Section 105.1 is amended by adding:

"A permit application will not be accepted unless it includes the appropriate approval from agencies or departments governing zoning, water supply, wastewater treatment and access."

(7) Section 105.1.1, Annual permit, is deleted.

(8) Section 105.1.2, Annual permit records, is deleted.

(9) Section 105.2.5 is amended by adding to the beginning of the clause:

"Other than cisterns for fire and domestic water supply water tanks, ... "

(9.5) Section 105.5, Expiration, is amended by adding:

"105.5.1 Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one (1) year after its issuance, if the work authorized on the site by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced, or if one (1) year has elapsed between inspections.

"105.5.2 If more than one (1) year has elapsed between inspections, upon a written request for an extension by the applicant, a permit may be extended for additional one-year periods, upon a showing of justifiable cause. Up to two (2) extensions may be requested, provided that a permit may not be valid for more than three (3) years, or for more than two (2) years following the adoption of a new version of the applicable building code, whichever is less, unless a permit has been automatically extended by obtaining an inspection within one (1) year of the last inspection, or a waiver has been obtained from the building official, upon a showing that unusual circumstances or hardship has prevented the issuance of a certificate of occupancy within the above time period and reinstatement would not substantially impair the intent of the building codes.

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"105.5.3 With respect to reinstatement of permits where rough-in inspections have been completed, the building official shall act under the code in effect when the permit was originally issued and may charge fees adequate to cover the cost of required inspections. Otherwise, permittees shall pay a new full permit fee."

- (10) Section 106.2 is amended by adding:

"Plans shall also include location of utilities, private well and wastewater sites, ditches, rivers, lakes, drainages, slopes greater than 30%, accesses, bridges and road grade."

- (11) Section 106.3.2, Previous approvals, is deleted.

- (12) Section 108.3 is amended in its entirety to read:

"Valuation shall be established using the procedures outlined in Exhibit I."

- (13) Section 202, Definitions, is amended by the addition of the following new or amended definitions:

"Design Professional. Colorado State licensed Architect or Engineer.

"Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. A legal property line shall separate the units along the common walls."

- (14) Section 901.1, Scope, is amended in its entirety to read:

"The provisions of this chapter shall specify where fire protection systems are required. The design, installation, and operation of the fire protection systems must be in compliance with Colorado State Law."

- (15) Section 901.2, in the exception, is amended by replacing the clause "this code" so that the provision reads:

"... that such system meets the requirements of the fire official having jurisdiction."

- (15.5) Section 903.2.7 is hereby repealed and reenacted to provide as follows:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as provided in this section.

903.2.7.1 Group R-1. An automatic sprinkler system shall be provided throughout all buildings with a Group R-1 fire area.

Exceptions:

1. Where guest rooms are not more than three stories above the lowest level of exit discharge and each guestroom has at least one exit discharge door that leads directly to an approved exit.
2. A residential sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) shall be allowed in buildings, or portions thereof, in Group R-1 occupancies.
3. One and two family dwellings used as vacation rentals or bed and breakfasts that have received approval from the local jurisdiction.

903.2.7.2 Group R-2. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area.

Exceptions:

1. Buildings not more than two stories above grade plane and containing 16 or fewer dwelling units provided each dwelling unit has at least one exit discharge door or at

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least one exit access door that leads to a 2-hour fire rated exit enclosure with 90-minute opening protectives.

2. A residential sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) shall be allowed in buildings, or portions thereof, in Group R-2 occupancies.

903.2.7.3 Group R-3. An automatic sprinkler system shall be provided throughout all buildings with a Group R-3 fire area.

Exceptions:

1. Buildings not more than 3 stories above grade plane and not required to be provided with an automatic sprinkler system by other sections of this code.

903.2.7.3 Group R-4. An automatic sprinkler system shall be provided throughout all buildings with a Group R-4 fire area with more than eight occupants.

Exceptions:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D) shall be allowed in Group R-4 and I-1 facilities.

Table 1017.1 shall be amended as follows:

Corridor Fire Resistance Rating

Occupancy	Occupant Load Served by Corridor	Required Fire Resistance Rating (Hours)	
		Without Sprinkler System	With Sprinkler System
R*	All	2	0.5

*R-3 occupancies are exempt from this table as provided by 903.2.7.3.

Table 1019.2 Shall be amended as follows:

Buildings With One Exit

Occupancy	Maximum Height Above Grade Plane	Maximum Dwelling Units per Floor and Travel Distance
R-1 and R-2	2 Stories	4 dwelling units and 50-feet travel distance

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- (16) Section 1608.2, Ground snow loads, is amended by adding:
- "Snow load shall be determined by the map and table located at Exhibit J.1 and J.2."
- (17) Section 1609.3, Basic wind speed, is amended by replacing the clause so that the provision reads:
- "Basic wind speeds determined by the local jurisdiction shall be 90 mph for a three-second gust."
- (18) Section 1805.2.1 is amended in its entirety to read:
- "Depth of footing for frost protection shall be governed by Exhibit K."
- (19) Section 2701.1, Scope, is amended by replacing the clause so that the provision reads:
- "... of the 2005 National Electrical Code."
- (20) Section 3410.2, Applicability, is amended by replacing the bracketed language in the insert area with the following:
- "the effective date of adoption of building codes within the jurisdiction."
- (b) The International Residential Code (IRC) as adopted by the Town pursuant to Section 18-21 above is amended with respect to the following sections and/or provisions:
- (1) Section R101.1 is amended by adding:
- "... Dwellings of the Town of Buena Vista, Colorado, and ... "
- (2) Section R101.4 is amended by adding:
- "For structures built under the provisions of the IRC, the requirements of Part VIII-Electrical shall be equivalent to the NEC. Any references in this code to the ICC Electrical Code shall instead refer to the 2005 NEC."
- (3) In Section R102.7, references to the International Property Maintenance Code and the International Fire Code shall be deleted.
- (4) Section R105.1 is amended by adding the following:
- "A permit application will not be accepted unless it includes the appropriate approval from agencies or departments governing zoning, water supply, wastewater treatment and access."
- (5) The title of Section R105.2 is changed to "Work exempt from permit," and the section is amended as follows:
- "Building:
- "1. ... floor area does not exceed 200 square feet. No sleeping use is permitted.
- "4. ... exceed 2 to 1. Fire and domestic water cisterns require a cistern permit.
- "5. ... and raised platforms and decks less than 30" above grade."
- (6) Section R105.3.2 is deleted.
- (6. 5) Section R105.5 is amended by adding the following:
- "R105.5.1 Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one (1) year after its issuance, if the work authorized on the site by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced, or if one (1) year has elapsed between inspections.
- "R105.5.2 If more than one (1) year has elapsed between inspections, upon a written request for an extension by the applicant, a permit may be extended for additional one-year

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periods, upon a showing of justifiable cause. Up to two (2) extensions may be requested, provided that a permit may not be valid for more than three (3) years, or for more than two (2) years following the adoption of a new version of the applicable building code, whichever is less, unless a permit has been automatically extended by obtaining an inspection within one (1) year of the last inspection or a waiver has been obtained from the building official, upon a showing that unusual circumstances or hardship has prevented the issuance of a certificate of occupancy within the above time period and reinstatement would not substantially impair the intent of the building codes.

"R105.5.3 With respect to reinstatement of permits where rough-in inspections have been completed, the building official shall act under the code in effect when the permit was originally issued and may charge fees adequate to cover the cost of required inspections. Otherwise, permittees shall pay a new full permit fee."

- (7) Section R106.2 is amended by adding the following:

"Plans shall also include utilities, private well and wastewater sites, ditches, rivers, lakes, drainages, slopes greater than 30 degrees, access, bridges and road grade."

- (8) Section R108.3 is amended in its entirety to read:

"Valuation shall be established using the procedures outlined in Exhibit I."

- (9) Section R109.1.1, Foundation inspection, is amended by adding the following:

"After initial pre-pour inspection, the building official may allow photo documentation of corrections for defects in lieu of a re-inspection prior to pour, provided the inspection report states photo documents will be permitted."

- (10) Section R110.1, is amended by adding the following to "Exceptions":

"2. Accessory buildings or structures without habitable space or decks, porches, or minor remodels (remodels other than room additions)."

- (11) Section R202, Definitions, is amended by the addition of the following new or amended definitions:

"Design Professional. Colorado State licensed Architect or Engineer."

"Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. A legal property line shall separate the units along the common walls."

- (12) Insert Table R301.2(1):

"Ground Snow Load	see Chaffee County Table
Wind Speed	90 mph 3 second gust
Seismic design category	C
Weathering	severe
Frost depth	varies (see Exhibit K to Ordinance 7-2007)

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Termite	none to slight
Winter design temp	(-16 Fahrenheit)
Ice barrier underlayment required	no
Flood hazard	see FEMA maps
Air freezing index	1166
Mean annual temp	43.9 Fahrenheit"

(13) Section R311.5.3.3 is amended by adding the following to "Exceptions":

"3. Interior risers may allow passage of a 6" diameter sphere."

(14) Section R312.2 is amended by adding the following to "Exceptions":

"3. A 6-inch sphere for exterior decks and balconies shall be permitted upon written request and when approved by the building official."

(15) Section R319.1.4, Wood columns, is amended by adding the following:

" ... wood. Heavy timber or log columns may be used when approved by the building official."

(16) Section R320, Protection against termites, is deleted.

(17) Section R322.1, Scope, is amended to read:

"Where there are seven or more"

(18) Section R402.1, Wood foundations, is amended in its entirety to read:

"Shall be designed by a licensed Design Professional in accordance with IRC Chapter 4 and have prior approval of the building official."

(19) Section R403 is amended to begin with the following statement:

"The Chaffee County Minimum Footing/Foundation Requirements (see Exhibit K to Ordinance 7-2007) shall be used to construct such footings and foundations described in this section, or a design professional may use the provisions of this section to design these elements."

(20) Section R403.1.4 is amended to include the following:

"Exception: Where topsoil and vegetation have been removed and soils are stable and included in Group I or II of Table R405.1, footings are not required to be 12" into undisturbed ground."

(21) Section R404.4.7.1 is amended to include the following:

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"Exception: ICF walls of detached accessory buildings and garages without habitable space and attached garages with a 1-hour separation from the dwelling unit do not require a thermal barrier."

- (22) Section R408.4 is amended to add the following:

"An unobstructed pathway from the access to each remote end of the structure must be maintained, in addition to an 18" clearance throughout."

- (23) Section M1503.1, General, is amended by the addition of the following:

"In spaces where a gas outlet is provided for a range, hoods or downdraft vents shall be installed at ranges and shall discharge..."

- (24) Section G2406.2 is amended by adding the following:

"... except with prior approval of the building official and where..."

- (25) Section G2411.1 is deleted and replaced by the following:

"As required by E3509.7."

- (26) Section G2414.5.2 is amended in its entirety to read:

"Copper tubing, fittings or pipe shall not be installed downstream of the riser."

- (27) Section G2415.4 is amended by the addition of the following:

"Gas piping shall daylight immediately prior to penetrating the foundation."

- (28) G2427.8 is amended so the provision reads:

"The bottom of the vent terminal and air intake shall be located at least 18" above grade."

- (29) Section P2708.1 is amended by deleting Exception 2

- (30) Section E3501.3 is amended by adding the following:

"... structure. Townhomes shall be considered separate structures."

- (31) Section E3501.6.2, Service disconnect location, is amended so the provision reads as follows:

"The service disconnecting main shall be installed at a readily accessible location outside of a building at the point of entrance of the service conductors or at the location of the meter, transformer or pedestal when approved by the AHJ."

- (32) Table R302.1 of the adopted International Residential Code is amended to add an asterisk after the side setback dimension for "Minimum Fire Separation Distance" for Walls and Projections that are not fire resistance rated, as follows:

"* For Planned Unit Developments that have been approved prior to the adoption of the 2006 International Residential Code and have vested approvals permitting fire separation less than the IRC requirements, the minimum side yard setback for walls may be three (3) feet and the maximum projection distance of a sill, belt course, cornice, buttress, ornamental feature and eave into the side yard may be two (2) feet if the following conditions have been met:

"(1) Exterior walls are finished with noncombustible siding such as fiber cement, stucco, or stone,

"(2) Roofs are made of metal or other fire resistant material,

"(3) Soffits and overhangs are painted with fire-resistant paint, and

"(4) The property owner has signed a disclaimer at the time of building permit application, that holds the Town of Buena Vista harmless in the event of a fire that may have been a result of noncompliance with the 2006 International Residential Code. Such

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disclaimer may run in perpetuity with the property and shall be filed of record as a deed restriction at the office of the Chaffee County Clerk and Recorder."

(33) Section R302.1, Exterior walls, is amended so the provision reads as follows:

"Exterior walls of residential structures in the B-1 OT and PUD zone districts with a fire separation distance less than 3 feet (914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projections:

"1. At a point one-third the distance to the property line from an assumed vertical plane located where protected openings are required.

"2. More than 12 inches (305 mm) into areas where openings are prohibited.

"Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

"Exception: tool and storage sheds, playhouses and similar structures exempted from permits by Section 105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line."

(34) Section R302.2, Openings, is amended so the provision reads as follows:

"Openings of residential structures in the B-1, OT and PUD zone districts shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance of less than 3 feet (914 mm). This distance shall be measured perpendicular to the line used to determine the fire separation distance.

"Exceptions:

"1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.

"2. Foundation vents installed in compliance with the code are permitted."

(35) Section R302.3, Penetrations, is amended so the provision reads as follows:

"Penetrations located in the exterior wall of a dwelling in the B-1, OT or PUD zone districts with a fire separation distance less than 3 feet (914 mm) shall be protected in accordance with Section 321.3.

"Exception: Penetrations shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance" ;hn0; (Ord. 7-2007 §3; Ord. 6-2008 §2; Ord. 13 §§2—4, 2009; Ord. 27-2010 §§1, 2; Ord. 1 §1, 2012; Ord. 6 § 1, 2014)

Sec. 18-23. Copies on file.

At least one (1) true and certified copy of the code or codes adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such codes shall also be made available for copying or purchase by the public at reasonable cost.

(Ord. 9-1993 §1; Ord. 7-2002 §3)

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Sec. 18-24. Violations of building code.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this article and the Town's electrical codes or regulations. Violations of this article and/or the electrical codes shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this article occurs or continues unabated.

(Ord. 9-1993 §1; Ord. 7-2002 §3)

Sec. 18-25. Fees.

- (a) Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing building permit applications and building plans and for building inspections. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Clerk shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall.
- (b) Notwithstanding the provisions contained in Subsection (a) above, during those time periods in which the Town and Chaffee County have executed and implemented an intergovernmental or other agreement providing for the delivery by Chaffee County of building inspection services, including plans review and building code enforcement, to the Town, then unless otherwise provided for in such intergovernmental or other agreement, the building permit fee schedule and fees for building permits issued under this article shall be the same as the fee schedule and fees adopted by Chaffee County. The Town Clerk shall prominently post or otherwise make available to interested persons copies of the Chaffee County fee schedule and fees utilized by the Town at Town Hall.

(Ord. 13-1997 §4; Ord. 7-2002 §2)

Sec. 18-26. Multifamily design review standards.

All new multifamily residential structures containing four (4) or more dwelling units, including, but not exclusive of, apartments, townhomes or condominiums, shall be reviewed and approved pursuant to the following standards prior to the issuance of a building permit. Multifamily residential structures containing less than four (4) dwelling units shall be exempt from the requirements of this Section.

- (1) All applicants for a building permit shall submit an original and five (5) copies of a site plan along with the building permit application illustrating the following information. A site plan may consist of more than one (1) page.
 - a. The site plan shall be prepared and signed by a licensed land surveyor in ink and shall accurately depict all dimensions at a scale of 1" = 20'.
 - b. The site plan shall depict a north arrow, the subject lot or parcel, monumented corners, lot lines, graphic scale, setback lines, all easements and rights-of-way (public or private) crossing or abutting the subject property, lot area by square footage, abutting streets or alleys, contour intervals at not more than two (2) feet where slope is less than ten percent (10%), the approximate location of structures off the subject property but within ten (10)

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ARTICLE II Building Code

feet of the subject property's boundary lines, one-hundred-year flood plain and existing drainage swales.

- c. The site plan shall also depict all buildings on, or to be constructed on, the subject property (inclusive of configuration, height and site coverage by square footage), the number and dimensions of all individual residential dwelling units, the location and size of parking spaces, sidewalks, internal walkways, yard/open space (by square footage), dedicated public areas, landscaping improvements (inclusive of trees), unstable soil areas, water and sewer and other utility lines, drainage systems and/or drainage flow patterns, and any public improvements.
- (2) All site plans must be approved by the Development Coordinator prior to the issuance of a building permit, and shall be incorporated therein as part of the permit. The Development Coordinator may refer all site plans to the Town Engineer and/or Planning and Zoning Commission for review and comment. Appeals of decisions or actions taken by the Development Coordinator under this Section may be made to the Board of Adjustment utilizing the procedures set forth in Section 16-43 of this Code.
- (3) The construction of any multi-family residential structure subject to this Section shall conform to the site plan as approved by the Development Coordinator and, notwithstanding any provision within the Town's building codes and/or regulations, no certificate of occupancy may issue for such structure, or the dwelling units contained therein, absent full conformity with the site plan.
- (4) The design standards established in Sections 17-57 and 17-58 of the 1996 Buena Vista Subdivision Code, Chapter 17 of this Code, shall be utilized and applied where appropriate in reviewing and approving site plans under this Section.
- (5) To the extent any conflict or inconsistency should exist or arise between the provisions contained in this Section and any provisions contained in the Town's building codes, the provision that is most protective of the public safety and furthers the purposes of this Section shall control.

(Ord. 14-1997 §14; Ord. 7-2002 §2)

Sec. 18-27. Connection to municipal water and sanitary sewer systems required.

No building permit shall issue for any new building, structure or facility that uses water unless such building, structure or facility is connected to the Town's municipal water system and the sanitary sewer system, unless the Buena Vista Sanitation District specifically grants an exception. Additionally, no existing building, structure or facility that uses water and is not connected to the municipal water system or the sanitary sewer system may be expanded or rebuilt absent connection to both the municipal water system and/or the sanitary sewer system unless the Buena Vista Sanitation District specifically grants an exception. All proposed connections or enlargements of any connection to the municipal water system and/or sanitary sewer system must be approved in advance in writing by the Town and/or sanitation district, respectively.

(Ord. 1-2006 §2)

Secs. 18-28—18-40. Reserved.

ARTICLE III Electrical Code

[Sec. 18-41. Adoption of National Electrical Code.](#)

[Sec. 18-42. Amendments and deletions.](#)

[Sec. 18-43. Copy on file.](#)

[Sec. 18-44. Violations and penalties.](#)

[Sec. 18-45. Fees.](#)

[Secs. 18-46—18-60. Reserved.](#)

Sec. 18-41. Adoption of National Electrical Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference NFPA 70 - National Electric Code (NEC), 2011 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169-7471, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical code.

(Ord. 24 §1, 2012)

Sec. 18-42. Amendments and deletions.

Section 230.70(A)(1) entitled "Readily Accessible Location" is hereby amended to read as follows:

"The service disconnecting means shall be installed at a readily accessible location outside of a building or structure at the point of entrance of the service conductors or at the location of the meter, transformer or pedestal when approved the AHJ." ;hn0; (Ord. 24 §1, 2012)

Sec. 18-43. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such code shall also be made available for copying or purchase by the public at the Town Hall at a reasonable cost.

(Ord. 24 §1, 2012)

Sec. 18-44. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's electrical code or regulations. Violations of this Article and/or the

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ARTICLE III Electrical Code

electrical code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day or portion of a day that a violation of this Article occurs or continues unabated.

(Ord. 24 §1, 2012)

Sec. 18-45. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish, and update from time to time, a permit fee schedule, taking into consideration the time and cost to the Town in reviewing applications and plans for electrical installation and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall.

(Ord. 24 §1, 2012)

Secs. 18-46—18-60. Reserved.

ARTICLE IV Mechanical Code

[Sec. 18-61. Adoption of International Mechanical Code.](#)

[Sec. 18-62. Amendments and deletions.](#)

[Sec. 18-63. Copy on file.](#)

[Sec. 18-64. Violations of Mechanical Code.](#)

[Sec. 18-65. Fees.](#)

[Secs. 18-66—18-80. Reserved.](#)

Sec. 18-61. Adoption of International Mechanical Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the mechanical code of the Town, Chapters 1 through 15 and Appendix A of the International Mechanical Code, 2006 edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code be amended by the changes set forth in Section 18-62 below.

(Ord. 9-1993 §2; Ord. 13-1997 §2; Ord. 7-2007 §6)

Sec. 18-62. Amendments and deletions.

The International Mechanical Code as adopted by the Town pursuant to Section 18-61 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

"...Mechanical Code of the Town of Buena Vista, Colorado..."

- (2) Section 505.1, Domestic systems, is amended by adding:

"Where a gas outlet is supplied for domestic ranges and similar appliances, such appliances shall have a means to exhaust fumes and vapors to the outside. Where domestic range hoods and domestic appliances equipped with downdraft exhaust are..."

(Ord. 9-1993 §2; Ord. 13-1997 §2; Ord. 7-2007 §6)

Sec. 18-63. Copy on file.

At least one (1) copy of the Uniform Mechanical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 9-1993 §2)

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ARTICLE IV Mechanical Code

Sec. 18-64. Violations of Mechanical Code.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Mechanical Code, and such nuisance may be abated as provided by law. Further, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation, such person shall be punished as provided in Article IV of Chapter 1 of this Code.

(Ord. 9-1993 §2)

Sec. 18-65. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for mechanical installations and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall.

(Ord. 13-1997 §2)

Secs. 18-66—18-80. Reserved.

ARTICLE V Plumbing Code

[Sec. 18-81. Adoption of International Plumbing Code.](#)

[Sec. 18-82. Amendments and deletions.](#)

[Sec. 18-83. Copy on file.](#)

[Sec. 18-84. Violations of Plumbing Code.](#)

[Sec. 18-85. Fees.](#)

[Secs. 18-86—18-100. Reserved.](#)

Sec. 18-81. Adoption of International Plumbing Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the plumbing code of the Town, Chapters 1 through 13 and Appendices C, E and F of the International Plumbing Code, 2006 Edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code be amended by the changes set forth in Section 18-82 below.

(Ord. 9-1993 §3; Ord. 13-1997 §3; Ord. 7-2007 §7)

Sec. 18-82. Amendments and deletions.

The International Plumbing Code adopted by the Town pursuant to Section 18-81 above is amended with respect to the following sections or provisions:

- (1) Section 101.1, is amended by adding:

" ... Plumbing Code of the Town of Buena Vista, Colorado ... "

- (2) In Section 417.4, Exception 2 is deleted.

(Ord. 9-1993 §3, Ord. 13-1997 §3; Ord. 7-2007 §7)

Sec. 18-83. Copy on file.

At least one (1) copy of the Uniform Plumbing Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. 9-1993 §3)

Sec. 18-84. Violations of Plumbing Code.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Plumbing Code, and such

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ARTICLE V Plumbing Code

nuisance may be abated as provided by law. Further, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation such person shall be punished as provided in Article IV of Chapter 1 of this Code.

(Ord. 9-1993 §3)

Sec. 18-85. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for plumbing installations and for inspections thereof. All fees established by the Town Administrator must be approved by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at Town Hall.

(Ord. 13-1997 §3)

Secs. 18-86—18-100. Reserved.

ARTICLE VI Energy Conservation Code

[Sec. 18-101. Adoption of International Energy Conservation Code.](#)

[Sec. 18-102. Amendments and deletions.](#)

[Sec. 18-103. Copy on file.](#)

[Sec. 18-104. Violations and penalties.](#)

[Sec. 18-105. Fees.](#)

[Secs. 18-106—18-120. Reserved.](#)

Sec. 18-101. Adoption of International Energy Conservation Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the energy conservation code of the Town, Chapters 1 through 6 of the International Energy Conservation Code, 2006 Edition, as amended, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth in every particular; provided, however, that such code be amended by the changes set forth in Section 18-102 below.

(Ord. 7-2007 §8)

Sec. 18-102. Amendments and deletions.

The International Energy Conservation Code adopted by the Town pursuant to Section 18-101 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

" ... Energy Conservation Code of the Town of Buena Vista, Colorado ... "

(Ord. 7-2007 §8)

Sec. 18-103. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such codes shall also be made available for copying or purchase by the public at a reasonable cost.

(Ord. 7-2007 §8)

Sec. 18-104. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's energy conservation code or regulations. Violations of this Article and/or the energy conservation code shall be punishable by a fine not to exceed one thousand dollars

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ARTICLE VI Energy Conservation Code

(\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated.

(Ord. 7-2007 §8)

Sec. 18-105. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update, from time to time, a permit fee schedule taking into consideration the time and cost to the Town in reviewing applications and plans for any usage to which this energy conservation code is applicable and for inspections thereof. All fees established by the Town Administrator just be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall.

(Ord. 7-2007 §8)

Secs. 18-106—18-120. Reserved.

ARTICLE VII Fire Code

ARTICLE VII Fire Code

[Sec. 18-121. Adoption.](#)

[Sec. 18-122. Amendments and deletions.](#)

[Sec. 18-123. Copy on file.](#)

[Sec. 18-124. Violations and penalties.](#)

[Secs. 18-125—18-140. Reserved.](#)

Sec. 18-121. Adoption.

The International Fire Code, 2006 Edition, of the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is adopted by reference as a primary code, as amended below.

(Ord. 14 §1, 2011)

Sec. 18-122. Amendments and deletions.

- (1) Section 101.1 (Title) is hereby amended to read as follows:

"These regulations shall be known as the Buena Vista Fire Prevention Code (BVFPC) hereinafter referred to as 'this code.' "

- (2) Section 101.2.1 (Appendices) is hereby amended to read as follows:

"All appendices, except Appendix 'A' shall be applicable."

- (3) Section 102.6 (Referenced codes and standards) is hereby amended to read as follows:

"The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adapted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Reference to codes such as electrical, plumbing, and mechanical shall refer only to the currently adopted code of that time."

- (4) Section 103.1 (General) is hereby amended to read as follows:

"The Chaffee County Department of Building Safety is established as the enforcing jurisdiction with respect to the structure related portions of active building permits only. The Buena Vista Fire Department is established as the enforcing entity for all other provisions of this code, specifically including fire prevention and fire suppression supply requirements."

- (5) Section 104.1 (General) is hereby amended to read as follows:

"The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code."

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ARTICLE VII Fire Code

In all cases referencing records, the code official shall also ensure that the Fire Department and the Department of Building Safety are copied on all matters of record pertaining to the Fire Codes."

- (6) Section 105 (Permits) is hereby repealed and replaced to read as follows:

"The Chaffee County Department of Building Safety is responsible for issuance of construction permits in accordance with the requirements of the Building Codes adopted by the Town of Buena Vista. Conflicts between the Town Building Codes and the Fire Codes requirements for application, issuance, posting, inspection and enforcement for construction permits shall defer to the adopted Town Building Codes."

- (7) New Sections 106.2.1 and 106.2.2 are hereby added to read as follows:

"106.2.1 Inspection requests. It shall be the duty of the General Contractor to notify the fire code official when work is ready for inspection. It shall be the duty of the General Contractor to provide access to and means for inspections of such work that are required by this code.

"106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire code official."

- (8) Section 108.1 (Board of Appeals established) is hereby amended to read:

"Appeals shall be in accordance with Article I of Chapter 18 of the Municipal Code of the Town of Buena Vista."

- (9) New Sections 109.2.2.1, 109.2.2.2 and 109.2.2.3 are hereby added to read as follows:

"Section 109.2.2.1. Every notice of violation pursuant to this chapter shall set forth a time by which compliance with the notice violation is required. The time specified shall be reasonable according to the circumstances of the particular hazards or condition to which the notice and order pertains. Immediate compliance may be required in any case which represents extreme or imminent danger to persons or property.

"Section 109.2.2.2. Except for cases where immediate compliance is required, violations pursuant to this Chapter may be appealed as set forth in Section 108.1.

"Section 109.2.2.3. In cases where immediate compliance is required, the notice of violation so stating shall be final."

- (10) Section 109.3 (Violation penalties) is hereby repealed and reenacted to read as follows:

"Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be punished pursuant to Section 1-72 of the Buena Vista Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

- (11) Section 111.4 (Failure to comply) is hereby amended to read as follows:

"Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished pursuant to Section 1-72 of the Buena Vista Municipal Code."

- (12) Section 307.1 is hereby amended to read as follows:

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ARTICLE VII Fire Code

"Open burning shall be permitted, except as restricted by the open burning regulations of Chaffee County and any burning restrictions Chaffee County has in effect, which shall be applicable throughout the Town of Buena Vista."

(13) Section 307.2 is deleted.

(14) Section 307.3 is amended by the deletion of the term "by the permit holder."

(15) Section 307.4 is amended by the amendment of Exceptions 1 and 2 to read as follows:

"Exceptions:

"1. Fires in metal containers, fireplaces with a spark arrestor screen, outdoor gas fireplaces, BBQ grills, or commercially produced clay containers with chimney used for warming fires that are not less than 15 feet from a structure.

"2. The minimum required distance from a structure shall be 25 feet: (a) when burning yard waste/refuse in a metal container with a spark arrestor screen, (b) when using fire pits for recreational fires, or (c) where the pile size of other than yard waste is 3 feet or less in diameter and 2 feet or less in height."

(16) Section 901.2 (Construction documents) is hereby amended to read as follows:

"The Colorado Department of Public Safety (CDPS) shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted to CDPS for review and approval prior to system installation."

(17) 901.2.1 (Statement of compliance) is hereby amended to read as follows:

"Before requesting final approval of the installation, where required by the Colorado Department of Public Safety (CDPS), the installing contractor shall furnish a written statement to the fire code official that the subject fire protection system has been installed in accordance with approved plans and has been tested in accordance with the manufacturer's specifications and the appropriate installation standard. Any deviations from the design standards shall be noted and copies of the approvals for such deviations shall be attached to the written statement."

(18) Section 903.2.7 is hereby repealed and reenacted to provide as follows:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as provided in this section.

903.2.7.1 Group R-1. An automatic sprinkler system shall be provided throughout all buildings with a Group R-1 fire area.

Exceptions:

1. Where guest rooms are not more than three stories above the lowest level of exit discharge and each guestroom has at least one exit discharge door that leads directly to an approved exit.
2. A residential sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) shall be allowed in buildings, or portions thereof, in Group R-1 occupancies.
3. One and two family dwellings used as vacation rentals or bed and breakfasts that have received approval from the local jurisdiction.

903.2.7.2 Group R-2. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area.

Exceptions:

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1. Buildings not more than two stories above grade plane and containing 16 or fewer dwelling units provided each dwelling unit has at least one exit discharge door or at least one exit access door that leads to a 2-hour fire rated exit enclosure with 90 minute opening protectives.
2. A residential sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) shall be allowed in buildings, or portions thereof, in Group R-2 occupancies.

903.2.7.3 Group R-3. An automatic sprinkler system shall be provided throughout all buildings with a Group R-3 fire area.

Exceptions:

1. Buildings not more than 3 stories above grade plane and not required to be provided with an automatic sprinkler system by other sections of this code.

903.2.7.3 Group R-4. An automatic sprinkler system shall be provided throughout all buildings with a Group R-4 fire area with more than eight occupants.

Exceptions:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D) shall be allowed in Group R-4 and I-1 facilities.

Table 1017.1 shall be amended as follows:

Corridor Fire Resistance Rating

Occupancy	Occupant Load Served by Corridor	Required Fire Resistance Rating (Hours)	
		Without Sprinkler System	With Sprinkler System
R*	All	2	0.5

*R-3 occupancies are exempt from this table as provided by 903.2.7.3.

Table 1019.2 Shall be amended as follows:

Buildings With One Exit

Occupancy	Maximum Height Above Grade Plane	Maximum Dwelling Units per Floor and Travel Distance
R-1 and R-2	2 Stories	4 dwelling units and 50-feet travel distance

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ARTICLE VII Fire Code

(Ord. 14 §1, 2011; Ord. 6 § 2, 2014)

Sec. 18-123. Copy on file.

At least one (1) certified copy of the International Fire Code, 2006 Edition, as adopted is on file in the office of the Town Clerk and may be inspected during regular business hours.

(Ord. 14 §1, 2011)

Sec. 18-124. Violations and penalties.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Fire Code, and such nuisance may be abated as provided by law. Further, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation, such person shall be punished as provided in Article IV of Chapter 1 of this Code.

(Ord. 14 §1, 2011)

Secs. 18-125—18-140. Reserved.

ARTICLE VIII Alarm Systems

ARTICLE VIII Alarm Systems

[Sec. 18-141. Intent.](#)

[Sec. 18-142. Definitions.](#)

[Sec. 18-143. Fire alarm systems; generally.](#)

[Sec. 18-144. Fire alarm systems; performance standards.](#)

[Sec. 18-145. Emergency alarm inspection fee.](#)

[Sec. 18-146. Limitation on exterior audible alarms.](#)

[Secs. 18-147—18-160. Reserved.](#)

Sec. 18-141. Intent.

The Board of Trustees finds and determines that:

- (1) The imposition of a fee for an excessive number of false fire alarms generated by automatic fire alarm systems is proper to both compensate the Town for the time and expense associated with responding to such alarms, as well as to deter a person owning an automatic fire alarm system from permitting an excessive number of false alarms to be generated by such system.
- (2) The unregulated use of exterior audible burglary, robbery, fire or similar alarms can create a substantial annoyance and inconvenience to persons residing near to such an alarm.
- (3) The imposition of reasonable restrictions upon such exterior audible alarms would be in the public interest, and the regulations contained in this Article are reasonable and will protect the public welfare while not unreasonably interfering with the right of a property owner to use an exterior audible alarm to protect his or her property.
- (4) The requirements and provisions of this Article are reasonable and are necessary for the protection of the public health, welfare and safety.

(Prior code 8.08.010; Ord. 9-1990 §1)

Sec. 18-142. Definitions.

As used in this Article:

Alarm system or fire alarm system means a system which automatically detects a fire condition and actuates a fire alarm signal device.

Emergency alarm inspection means an inspection by the Fire Department to determine the cause of any fire alarm signal.

Emergency alarm inspection fee means a fee which is imposed upon the owner of a building or structure when the building or structure's fire alarm system exceeds two (2) Category II fire alarms within any thirty (30) day period.

Exterior audible alarm means a device designed for the detection of burglary, robbery, fire or similar occurrences on premises which is designed to generate an audible sound outside of the premises when it is activated.

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Fire alarm, alarm or fire alarm signal means a signal indicating an emergency requiring immediate action, as an alarm for fire from a manual box, smoke detector, heat detector, water flow alarm, automatic fire alarm system, tamper alarm, trouble alarm or other emergency signal as defined by the Fire Department. Fire alarm signals shall be classified as follows:

- a. Category I Alarms. Any alarm requiring a Fire Department response where the alarm system operated properly under the following conditions:
 1. Any alarm caused by a malicious or mischievous action;
 2. Any accidental alarm caused by a person over whom the owner of the building or structure had no control; or
 3. An accidental smoke or fire condition in the building or structure.

No emergency alarm inspection fee shall be charged for Category I alarms.

- b. Category II Alarms. Any alarm requiring a Fire Department response under the following conditions:
 1. Any alarm caused by the failure, lack of maintenance, improper maintenance or installation of the alarm system equipment, hardware or wiring;
 2. Any alarm caused by the act or omission of an agent, employee or contractor of the management. Failure by a remote station monitoring center shall be considered a user error; or
 3. Any alarm which, after its investigation by the Fire Department (with input from interested parties), has no apparent cause.

Category II Alarms are determined to be unnecessary, and an emergency alarm inspection fee shall be assessed in connection with such alarms as provided in Section 18-145.

Fire Department means the Buena Vista Volunteer Fire Department.

(Prior code 8.08.020; Ord. 9-1990 §1)

Sec. 18-143. Fire alarm systems; generally.

All fire alarm systems located within the Town shall be subject to the provisions of this Article. It shall be the responsibility of the Fire Department to inspect and approve such fire alarm systems and to investigate and determine the cause of all fire alarms. The Fire Department shall promptly conduct an emergency alarm inspection with respect to each alarm requiring a Fire Department response. A written report shall be provided to the responsible party detailing the results of the emergency alarm inspection.

(Prior code 8.08.030)

Sec. 18-144. Fire alarm systems; performance standards.

- (a) It shall be the duty of the fire alarm system owner to maintain, repair and correct a system generating unnecessary alarms. The owner is also responsible for educating all persons, whether employees or contract agents, who may affect the performance of the alarm system.
- (b) All alarm systems shall be afforded a thirty (30) day adjustment period commencing with the Fire Department date of acceptance of the fire alarm system. The adjustment period is provided so that the system can be brought to maximum reliability. The emergency alarm inspection fee will not be assessed during this adjustment period.

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(Prior code 8.08.040)

Sec. 18-145. Emergency alarm inspection fee.

Any person having a fire alarm system shall pay to the Town an emergency alarm inspection fee of two hundred fifty dollars (\$250.00) for each Category II alarm in excess of two (2) Category II alarms occurring within any thirty (30) day period. It is unlawful for any such person to fail or refuse to pay such fine, and any person convicted of failing or refusing to pay such fine shall be punished as provided in Section 1-72 of this Code; provided that the person convicted shall pay the emergency alarm inspection fee assessed in addition to any fine imposed by the Court. If, within thirty (30) days following the occurrence of any Category II alarm in violation of this Section caused by malfunction of the fire alarm system, the person owning the fire alarm system provides the Fire Department with a letter of certification or service order demonstrating to the satisfaction of the Fire Department that the system has been properly repaired, such person shall receive a refund or abatement of one-half ($\frac{1}{2}$) of the emergency fire alarm inspection fee assessed for such alarm. Letters of certification or service orders received by the Fire Department more than thirty (30) days following the occurrence of the Category II alarm shall not entitle the owner of the system to any refund or abatement of the emergency fire alarm inspection fee.

(Prior code 8.08.050)

Sec. 18-146. Limitation on exterior audible alarms.

It shall be unlawful for the owner of any real property, or any person in charge or control of any real property located within the Town, to fail to silence any exterior audible alarm located in, on or about such property within three (3) minutes after such alarm shall have been activated.

(Ord. 9-1990 §1)

Secs. 18-147—18-160. Reserved.

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[Sec. 18-161. Purpose and jurisdiction.](#)

[Sec. 18-162. Applicability.](#)

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[Sec. 18-168. Floodplain administrator.](#)

[Sec. 18-169. Permit procedures.](#)

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[Sec. 18-172. Specific standards.](#)

[Sec. 18-173. Standards for areas of shallow flooding \(AO/AH zones\).](#)

[Sec. 18-174. Floodways.](#)

[Sec. 18-175. Alteration of a watercourse.](#)

[Sec. 18-176. Properties removed from the floodplain by fill.](#)

[Sec. 18-177. Standards for new subdivisions.](#)

[Sec. 18-178. Standards for critical facilities.](#)

[Secs. 18-179—18-200. Reserved.](#)

Sec. 18-161. Purpose and jurisdiction.

- (a) Purpose. It is the purpose of this Article to promote the public health, safety, and welfare by provisions designed to:
- (1) Protect human life and health;
 - (2) Minimize expenditure of public funds for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions caused by flooding;
 - (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
 - (6) Maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - (7) Ensure that potential buyers are notified that property is located in a flood hazard area.

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- (b) Jurisdiction. Pursuant to C.R.S. Title 29, Article 20, the State has delegated to local governments the responsibility to adopt regulations designed to minimize flood losses.

(Ord. 13 § 1, 2013)

Sec. 18-162. Applicability.

This Article shall apply to all SFHA in the Town.

(Ord. 13 § 1, 2013)

Sec. 18-163. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

100-year flood means a flood having a recurrence interval that has a one percent (1%) chance of being equaled or exceeded during any given year.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year flood means a flood having a recurrence interval that has a two-tenths percent (0.02%) chance of being equaled or exceeded during any given year.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation, or for a substantial improvement, the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Addition means an activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream, containing active stream channels and boulder bars, and recently abandoned channels, and predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on a FIRM with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident.

Base Flood Elevation (BFE) means the elevation shown on a FIRM for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement means an area of a building having its floor below ground level on all sides.

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

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Channelization means the artificial creation, enlargement or realignment of a stream channel.

CWCB means Colorado Water Conservation Board.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

Development means a man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database means the database containing data and analyses that accompanies DFIRMs.

Digital Flood Insurance Rate Map (DFIRM) means the FEMA digital floodplain map, which serve as regulatory floodplain maps for insurance and floodplain management purposes.

Elevated building means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood; and in the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town.

FEMA means the Federal Emergency Management Agency.

Flood means a temporary condition of partial or complete inundation of normally dry land areas from: the overflow of water from channels and reservoir spillways; the unusual and rapid accumulation or runoff of surface waters from any source; or mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas, such as earth carried by a current of water and deposited along the path of the current.

Flood Insurance Rate Map (FIRM) means an official map on which FEMA has delineated both the SFHA and the risk premium zones.

Flood Insurance Study (FIS) means the official report provided by FEMA containing the FIRM as well as flood profiles for studied flooding sources that can be used to determine the BFE for some areas.

Floodplain means a land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the Director of Public Works of Town of Buena Vista or the Director's authorized designee.

Floodplain development permit means a permit required before construction or development begins.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

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Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway, constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, using the Colorado statewide standard for the designated height for all newly studied reaches, which is six (6) inches, provided that LOMRs to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but excluding long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means a structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by an approved state program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision ("LOMR") means FEMA's official revision of an effective FIRM, or FBFM, or both.

Letter of Map Revision Based on Fill ("LOMR-F") means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest floor means the lowest floor of the lowest enclosed area of a building, including the basement used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof, including any floor that could be converted to such a use such as a basement or crawl space, but excluding an unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of § 60.3 of the NFIP.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Manufactured home, park or subdivision means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

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Mean sea level means, for purposes of the NFIP, the North American Vertical Datum (NAVD) of 1988 or other datum, to which BFEs shown on a FIRM are referenced.

Material Safety Data Sheet ("MSDS") means a form with data regarding the properties of a particular substance, intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data, toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

National Flood Insurance Program ("NFIP") means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Article.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway, which must be supported by technical data and signed by a registered Colorado Professional Engineer, with supporting technical data based on the standard step-backwater computer model used to develop the 100-year floodway shown on the FIRM or FBFM.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Physical Map Revision ("PMR") means FEMA's action whereby one (1) or more map panels are physically revised and republished, to change flood risk zones, floodplain or floodway delineations, flood elevations, or planimetric features.

Recreational vehicle means a vehicle that is: built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area ("SFHA") means the land in the floodplain in the Town subject to a one percent (1%) or greater chance of flooding in any given year.

Start of construction means the date a building permit was issued, including substantial improvements, if the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure immediately preceding the damage.

Substantial improvement means a reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure immediately preceding the improvement with the value of the structure being determined by the Town, and including structures which have incurred substantial damage, regardless of the actual repair work performed, but excluding: any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or any alteration of a historic

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structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Threshold Planning Quality ("TPQ") means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Water surface elevation means the height, in relation to the NAVD or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 13 § 1, 2013)

Sec. 18-164. Interpretation.

This Article meets the minimum requirements as set forth by the CWCB and the NFIP. In the application of this Article, all provisions shall be: considered as minimum requirements; liberally construed in favor of the Town; and deemed neither to limit nor repeal any other powers granted under State or federal law.

(Ord. 13 § 1, 2013)

Sec. 18-165. Violation; penalty.

- (a) It is unlawful to construct, locate, extend, convert or alter any land or structure in the Town except in compliance with this Article.
- (b) Violations of this Article shall be punished as provided in set forth in Section 1-72 of this Code.

(Ord. 13 § 1, 2013)

Sec. 18-166. Establishment of SFHAs.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM) dated _____, by reference and declared a part of this section. The FIRM is on file with the Town Clerk at 210 East Main Street, Buena Vista, Colorado, 81211.

(Ord. 13 § 1, 2013)

Sec. 18-167. Permit required.

No structure or land shall be located, altered, or have its use changed within the SFHA without a floodplain development permit in compliance with this Article.

(Ord. 13 § 1, 2013)

Sec. 18-168. Floodplain administrator.

The Floodplain Administrator shall:

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- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation, in relation to mean sea level, of the lowest floor of all new or substantially improved structures and any floodproofing certificate required by this Article.
- (2) Review, approve, or deny all applications for Floodplain Development Permits.
- (3) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334, for which prior approval is required.
- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
- (6) Where interpretation is needed as to the exact location of the boundaries of the SFHA, the Floodplain Administrator shall make the necessary interpretation.
- (7) When BFE data has not been provided in accordance with this Article, the Floodplain Administrator shall obtain, review and reasonably utilize any BFE data and floodway data available from a Federal, State, or other source.
- (8) For waterways with BFEs for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half ($\frac{1}{2}$) foot at any point within the Town.
- (9) Pursuant to 44 CFR § 65.12 of the NFIP, the Town may approve certain development in Zones A1-30, AE, AH, on the FIRM which increases the water surface elevation of the base flood by more than one-half ($\frac{1}{2}$) foot, provided that the Town first applies for a CLMP, fulfills the requirements of § 65.12 and receives FEMA approval.
- (10) In riverine situations, notify adjacent communities and the CWCB, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- (11) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Ord. 13 § 1, 2013)

Sec. 18-169. Permit procedures.

- (a) An application for a floodplain development permit shall be submitted to the Floodplain Administrator and shall include all of the following:
 - (1) Plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to SFHA.
 - (2) Elevation (in relation to mean sea level), of the lowest floor of all new and substantially improved structures.
 - (3) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

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- (4) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria of Section 18-172(2).
- (5) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (b) The Floodplain Administrator shall consider the following in determining whether to issue a floodplain development permit:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development and the Comprehensive Plan;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable; and
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use

(Ord. 13 § 1, 2013)

Sec. 18-170. Variance procedures.

- (a) The Board of Trustees of the Town of Buena Vista shall hear and decide on applications for variances from the requirements of this Article.
- (b) Any person or persons aggrieved by the decision of the Board of Trustees of the Town of Buena Vista may appeal such decision in the courts of competent jurisdiction.
- (c) The Town Clerk shall maintain a record of all variances and shall report variances to FEMA upon request.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (e) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, if the relevant criteria in Section 18-169 have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (f) The Board of Trustees of the Town of Buena Vista may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article.
- (g) Criteria. Variances shall only be issued if the following criteria are satisfied:

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- (1) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (2) Failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) The grant of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - (4) The variance is not within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (i) Variances may be issued by the Board of Trustees of the Town of Buena Vista for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use if the criteria outlined in Section 18-170(a)—(e) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 13 § 1, 2013)

Sec. 18-171. General standards.

In an SFHA, the following standards shall apply:

- (1) New construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage, with materials resistant to flood damage, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (4) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 13 § 1, 2013)

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Sec. 18-172. Specific standards.

In an SFHA where BFE data has been provided, the following standards shall apply:

- (1) Residential structures. New construction and substantial improvement of any residential structure shall have the lowest floor elevated to one (1) foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor shall be certified to the Floodplain Administrator by a registered Colorado Professional Engineer, architect, or land surveyor.
- (2) Nonresidential structures. With the exception of Critical Facilities, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado Professional Engineer or architect shall develop and review structural design, specifications, and plans for the construction, and shall certify to the Floodplain Administrator that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection.
- (3) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs shall be certified by a registered Colorado Professional Engineer or architect to meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:
 - a. The lowest floor of the manufactured home is one (1) foot above the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM shall:

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- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of this Article and the elevation and anchoring requirements for manufactured homes.

(Ord. 13 § 1, 2013)

Sec. 18-173. Standards for areas of shallow flooding (AO/AH zones).

The following standards shall apply to AO/AH zones:

- (1) Residential construction. New construction and Substantial Improvements of residential structures must have the lowest floor, including the basement, elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the FIRM, or at least three (3) feet if no depth number is specified. Upon completion of the structure, the elevation of the lowest floor shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- (2) Nonresidential construction. With the exception of Critical Facilities, new construction and Substantial Improvements of non-residential structures shall have the lowest floor, including the basement, elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the FIRM, or at least three (3) feet if no depth number is specified, or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Article are satisfied. Adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

(Ord. 13 § 1, 2013)

Sec. 18-174. Floodways.

- (a) Encroachments in floodways are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the Town during the occurrence of the base flood discharge.
- (b) If subsection (a) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
- (c) Pursuant to § 65.12 of the NFIP, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the Town first applies for a CLOMR and floodway revision through FEMA.

(Ord. 13 § 1, 2013)

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Sec. 18-175. Alteration of a watercourse.

For a proposed development that alters a watercourse in a SFHA, the following standards shall apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the floodplain and be in compliance with all applicable federal, State and Town floodplain rules and regulations.
- (4) Stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
- (5) Activities within the floodplain shall meet all applicable federal, State and Town floodplain rules and regulations.
- (6) Within the floodway, stream alteration activities shall not be constructed unless the applicant demonstrates through a floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification, unless the Town first applies for a CLOMR and floodway revision in accordance with this Article.
- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. 13 § 1, 2013)

Sec. 18-176. Properties removed from the floodplain by fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a LOMR-F, with a lowest floor elevation placed below the BFE with one (1) foot of freeboard that existed prior to the placement of fill.

(Ord. 13 § 1, 2013)

Sec. 18-177. Standards for new subdivisions.

- (a) New subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Sections 18-167, 18-169, and 18-171 through 18-178
- (c) BFE data shall be generated for subdivisions greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided by this Article.

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- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. 13 § 1, 2013)

Sec. 18-178. Standards for critical facilities.

(a) Classification. Critical Facilities are classified under the following categories:

(1) Essential services.

a. Essential services include:

1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
3. Designated emergency shelters;
4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
5. Public utility plant facilities for generation and distribution, including hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines; and
6. Airports, helicopter pads and structures serving emergency functions, and associated infrastructure, including aviation control towers, air traffic control centers, and emergency equipment aircraft hangars.

b. Exemptions. Specific exemptions to this category include wastewater treatment plants, non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town upon request.

(2) Hazardous materials facilities.

a. Hazardous materials facilities include:

1. Chemical and pharmaceutical plants;

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2. Laboratories containing highly volatile, flammable, explosive, toxic or water-reactive materials;
 3. Refineries;
 4. Hazardous waste storage and disposal sites; and
 5. Above ground gasoline or propane storage or sales centers.
- b. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration to keep a MSDS on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the TPQ for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302, also known as Extremely Hazardous Substances; or 10,000 pounds for any other chemical. 40 C.F.R. § 302 and 29 C.F.R. § 1910 are incorporated herein by reference and include the regulations in existence at the time of the promulgation this Article, but exclude later amendments to or editions of the regulations.
- c. Exemptions. Specific exemptions to this category include the following, unless the structures also function as critical facilities:
1. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 2. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the Town by hazard assessment and certification by a qualified professional that a release of the subject hazardous material does not pose a major threat to the public.
 3. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
- (3) At-risk population facilities. At-risk population facilities include: nursing homes; day care and assisted living facilities serving twelve (12) or more individuals; and public and private schools serving twelve (12) or more children).
- (4) Facilities vital to restoring normal services.
- a. Facilities vital to restoring normal services include essential government operations; and dormitories, offices and classrooms for public colleges and universities.
 - b. Exemptions. These facilities may be exempted if it is demonstrated to the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.
- (b) Protection. All new and substantially improved Critical Facilities and new additions to critical facilities located within the SFHA shall be protected by one (1) of the following: location outside the SFHA; or elevation or floodproofing of the structure to at least two (2) feet above the BFE.

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- (c) Ingress and egress. New critical facilities shall, when practicable as determined by the Town, have continuous non-inundated ingress and egress for evacuation and emergency services during a 100-year flood event.

(Ord. 13 § 1, 2013)

Secs. 18-179—18-200. Reserved.

FOOTNOTE(S):

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Editor's note—Ord. No. 13-2013, § 1, adopted Dec. 10, 2013, repealed the former Art. IX, §§ 18-161—18-179, and enacted a new article as set out herein. The former Art. IX pertained to flood damage prevention and derived from prior code 1.14.020, prior code 15.16.010—15.16.170; Ord. 3-1990, §§ 1—13. [\(Back\)](#)

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ARTICLE X Liability

ARTICLE X Liability

[Sec. 18-201. Liability.](#)

[Secs. 18-202—18-220. Reserved.](#)

Sec. 18-201. Liability.

The adoption of this Chapter, and the various building, technical and fire codes provided for herein, shall not create any duty to any person with regard to the enforcement or nonenforcement of this Chapter or said codes. No person shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Chapter or said codes. Nothing in this Chapter or in said codes shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations of liability otherwise available to the Town, or its officers, employees or agents.

(Ord. 9-1993 §5)

Secs. 18-202—18-220. Reserved.

ARTICLE XI Fences and Walls

[Sec. 18-221. Intent.](#)

[Sec. 18-222. Definitions.](#)

[Sec. 18-223. Permits; exemptions.](#)

[Sec. 18-224. Fencing materials; prohibitions.](#)

[Sec. 18-225. Construction standards for fences and screening walls; required screening.](#)

[Sec. 18-226. Retaining walls.](#)

[Sec. 18-227. Swimming pool fences.](#)

[Sec. 18-228. Fence maintenance standards.](#)

[Secs. 18-229—18-250. Reserved.](#)

Sec. 18-221. Intent.

The intent of the provisions contained in this Article is to set forth reasonable regulations governing the appearance, location, type and maintenance of fences and walls so as to promote their appearance and safety and their conformity with zoning standards applicable to the zone district in which they may be situated.

(Ord. 4 §1, 2012)

Sec. 18-222. Definitions.

As used in this Article, the following terms shall have the meanings provided below:

Fence means a man-made barrier constructed or installed to demarcate or create a boundary, partition or enclosure, whether solid or otherwise, and/or used to protect, confine, screen or conceal and includes, without limitation, freestanding walls and retaining walls.

Retaining wall means a man-made wall or similar barrier usually constructed at a grade change to contain or restrain the lateral force of adjacent or uphill soil or other material so as to prevent slumping, sliding, erosion or falling.

Screening wall means a fence designed, installed and/or intended to block or obscure observation or vision.

(Ord. 4 §1, 2012)

Sec. 18-223. Permits; exemptions.

- (a) The installation or construction of fences six (6) feet or less in height shall not require a fence or building permit. Except as otherwise provided in this Section, fences in excess of six (6) feet in height, or retaining walls in excess of forty-eight (48) inches in height, shall require a building permit. Every landowner or person installing a fence or retaining wall along a lot line or other property boundary shall confirm the accurate location of the lot line or other property boundary prior to the

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ARTICLE XI Fences and Walls

installation of such fence or wall. No fence or wall shall be installed across a property line without the notarized, written consent of the owner of the abutting property.

- (b) Notwithstanding the provisions of Subsection (a) above, no fence or building permit shall be required for the following types of fences except as otherwise specified below:
 - (1) A seasonal or temporary fence, regardless of height, constructed of lightweight wire, vinyl- or plastic-coated wire, cloth-like fabric or similar lightweight material which is installed immediately adjacent to a garden, ornamental tree or other landscaping for the sole purpose of preventing damage from grazing wildlife.
 - (2) Temporary fences used to secure or protect construction sites or open excavations. Such fences shall be six (6) feet in height unless a taller fence is necessary to safely secure the site.
 - (3) Temporary fences used to contain, direct or control crowds at outdoor events.
 - (4) Temporary fences constructed of wood, vinyl, plastic or cloth-like fabric and installed during the winter snowfall season for snow control.
 - (5) Open-mesh chain-link fences to a maximum height of ten (10) feet installed by a school or government agency on school or other publicly owned or managed land to demarcate, enclose or protect playing fields or equipment (including baseball field fencing and/or walls), outdoor pools, parks or playgrounds or mechanical equipment; except that fences in excess of six (6) feet in height shall be required to obtain a building permit.
- (c) Building permits for fences over six (6) feet shall be issued by the Building Official or such other officer designated by the Town Administrator to enforce the provisions of this Article.
- (d) Appeals from any administrative decision entered under the terms of this Article, including a denial of a permit, shall be made to the Building Board of Appeals in accordance with Article I of this Chapter.

(Ord. 4 §1, 2012)

Sec. 18-224. Fencing materials; prohibitions.

The following regulations shall apply to all fences, regardless of the zone district in which they are located:

- (1) Fences and screening walls shall be constructed from durable, low-maintenance materials. Acceptable fence materials shall include:
 - a. Masonry (brick) with stucco or other acceptable finish, or constructed masonry units with an indigenous pattern or finish.
 - b. Stone or rock.
 - c. Wood from milled lumber that is pressure-treated or milled, or treated native wood; except that slab lumber shall not be acceptable without special review of the construction details.
 - d. Wrought iron and other manufactured metal.
 - e. Chain-link fence constructed with round metal posts and top rail (color shall be dark or natural, if coated).
 - f. Other alternative materials that can withstand exposure to the weather, subject to review and approval by the Building Official or such other officer designated by the Town Administrator to enforce the provisions of this Article.
- (2) Live vegetation hedges may be used in place of a fence or wall where appropriate or desirable and do not require a building permit if they exceed six (6) feet in height. No live vegetation shall

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be installed so as to block or obstruct vision within a sight distance triangle defined in Section 16-4 of this Code.

- (3) Barbed wire, razor wire or concertina wire fences, electrified fences and fences with embedded glass shards or utilizing sharp protrusions are prohibited unless required for security purposes by a government agency. These fences shall be authorized pursuant to the procedures set forth in Subsection 18-225(c) below regarding administrative special fence permits.
- (4) No fence, hedge or wall shall be installed closer than eighteen (18) inches to the closest edge of a public trail.

(Ord. 4 §1, 2012)

Sec. 18-225. Construction standards for fences and screening walls; required screening.

- (a) Residential districts. Except as otherwise provided elsewhere in this Code, the following height and construction standards shall apply to all fences and screening walls in residential zone districts:
 - (1) Fences in a front, side or rear yard setback that abuts a public street (excluding public alleys) shall not exceed a height of forty-two (42) inches except if authorized by a special fence permit for a demonstrated unique security need.
 - (2) Fences in rear yards and fences in side yards extending up to the front yard setback line shall not exceed a height of six (6) feet. Any portion of a side yard fence extending beyond a front yard setback line shall not exceed a height of forty-eight (48) inches.
 - (3) Notwithstanding any other provision in this Section, any fence or live vegetation hedge located within a sight distance triangle defined in Section 16-4 of this Code shall not exceed a height of thirty-six (36) inches, and any fence so located shall not be installed or be of a type or design that blocks or obstructs vision within a sight distance triangle.
 - (4) Fencing enclosing or protecting an athletic court (e.g., tennis court) may exceed six (6) feet in height subject to the issuance of a building permit under the Town's building code.
 - (5) In addition to the regulations set forth in this Subsection (a), multifamily properties located in residential districts shall be subject to the regulations contained in Subsection (b) below.
 - (6) All fences not classified as temporary fences shall be securely and permanently installed into the ground to prevent the fence from leaning or falling down.
- (b) Nonresidential districts. Except as otherwise provided elsewhere in this Code, the following height and construction standards shall apply to all fences and screening walls in nonresidential (i.e., business and industrial) zone districts and on multifamily properties regardless as to zone district:
 - (1) Fences used or required for purposes other than for screening (e.g., security or boundary fences) shall not exceed eight (8) feet in height, except if authorized by special fence permit for a demonstrated unique security need, and no fence shall be installed or be of a type or design so as to block or obstruct vision within a sight distance triangle defined in Section 16-4 of this Code. All fences in excess of six (6) feet in height shall require a building permit.
 - (2) Trash and refuse collection areas on nonresidential or multifamily properties shall be enclosed on not less than three (3) sides with a six-foot-high solid wood or masonry screening wall, styled and colored to match or correspond with the material and color of any adjacent primary building wall.
 - (3) No screening fence or wall utilized to screen stored or other materials shall be constructed within fifteen (15) feet of a residential property or zone district boundary line, and no screened material shall be stored or stacked so as to exceed the height of the screening.

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- (4) Screening fences and walls shall be constructed of materials and installed in such a manner as to create a completely opaque screen through which no portion or silhouette of the material and/or items being screened are visible (except that five percent [5%] open space resulting from shrinkage is allowed). Chain-link and/or wire fencing equipped with interwoven plastic, wood or metal slats shall not qualify as an appropriate or allowable screening fence.
- (5) All fences not classified as temporary fences shall be securely and permanently installed into the ground to prevent the fence from leaning or falling down.
- (c) Administrative special fence permit. The Town Administrator may grant a permit for fences and walls that do not conform with the restrictions set forth in this Article as follows:
 - (1) Procedure. The following application review procedure shall be followed:
 - a. The application shall include a statement justifying the need for the administrative special fence permit, describing any hardship and explaining the benefit gained from the request for the fence or wall.
 - b. The applicant shall post the property in a conspicuous location for ten (10) days with a sign provided by the Town Administrator. Such sign shall describe the proposal, give directions for submitting comments to the Town Administrator during the ten-day posting period and state that the Town Administrator's decision shall be posted at the same location for ten (10) days after being rendered.
 - c. In deciding to approve, approve with conditions or disapprove the application, the Town Administrator shall consider relevant comments of all interested parties submitted in writing during the ten-day posting period.
 - d. The Town Administrator may condition an approval to minimize adverse impacts on adjacent properties or to protect the public health, safety and welfare.
 - e. The decision of the Town Administrator shall be in writing and delivered to the applicant. If the Town Administrator approves the application, the decision shall be posted in a conspicuous location on the property for ten (10) days on a sign provided by the Town Administrator. Such sign shall describe how an appeal from the decision of the Town Administrator may be filed, provide contact information for obtaining the standards and criteria that will govern the appeal, list the date the decision was posted on the property and state that any appeal must be filed within ten (10) days of the posting.
 - f. The applicant or any interested party may appeal the Town Administrator's decision by delivering written notice of appeal to the Town Clerk. If the Town Administrator denies the application, the appeal must be filed within ten (10) days of the decision of the Town Administrator. If the Town Administrator approves the application (with or without conditions), the appeal must be filed within ten (10) days of the decision of the Town Administrator being posted on the property. The appeal shall state the specific grounds for the appeal.
 - (2) Criteria. An administrative special fence permit application shall be approved only if the following findings are made:
 - a. The proposed fence or wall will not adversely affect traffic safety or reasonable use of adjacent property;
 - b. If the fence is oversized, in the front setback the portion of the fence above forty-eight (48) inches in height shall be two-thirds (?) open over its entire area;
 - c. The fence is necessary to provide security, privacy or protection from wildlife or traffic impacts, such as noise or lights;
 - d. The fence does not detract from the safety or pedestrian character of the right-of-way; and

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ARTICLE XI Fences and Walls

- e. The fence is not in any front setback area adjacent to a parkway.

(Ord. 4 §1, 2012)

Sec. 18-226. Retaining walls.

- (a) All retaining walls shall be designed and constructed and/or installed to resist and contain loads due to the lateral pressure of the material or slope to be retained, in accordance with accepted engineering practices.
- (b) The construction and/or installation of a retaining wall in excess of forty-two (42) inches in height shall require a building permit and require that the structural design be certified by a duly registered and licensed professional engineer.
- (c) No retaining wall shall be constructed or installed so as to create an unsightly appearance, erosion or scarring.

(Ord. 4 §1, 2012)

Sec. 18-227. Swimming pool fences.

All rigidly framed or noninflatable above-ground pools exceeding eighteen (18) inches in depth and all below-ground swimming pools, excepting portable hot tubs and inflatable or other similar temporary pools that are filled by a hose, shall be completely enclosed by a fence not less than four (4) feet in height with openings not wider than four (4) inches unless the yard or site in which the pool is situated is already fully enclosed by a fence at least four (4) feet in height. All gates shall be equipped with child-resistant, self-latching and self-closing devices that are located no lower than forty (40) inches above grade.

(Ord. 4 §1, 2012)

Sec. 18-228. Fence maintenance standards.

- (a) All fencing shall be maintained in a structurally safe and visually acceptable manner. For purposes of this Section, visually acceptable manner shall mean, without limitation, that the paint, if any, on a fence is not peeling or excessively chipped or faded; that rot, rust or corrosion is not prominent or severe; that slats, bricks, stones, wire, posts or other fence material or equipment are not broken or missing; and/or that the fence is not leaning or falling down. Vegetation growing on or supported by a fence shall be maintained in a healthy condition and shall be regularly pruned and trimmed so as to prevent the deterioration, collapse or other structural failure of the fence.
- (b) Dilapidated, broken, unsightly, structurally unsound or unsafe fences shall be removed or repaired upon written notice served by the Town on the owner. The notice shall specify the nature of all repairs or replacements needed to be undertaken and a reasonable time period by which such repairs or replacements shall be completed. The notice may be served by regular or certified mail or by hand delivery.

(Ord. 4 §1, 2012)

Secs. 18-229—18-250. Reserved.

ARTICLE XII Fuel Gas Code

[Sec. 18-251. Adoption of International Fuel Gas Code.](#)

[Sec. 18-252. Amendments and deletions.](#)

[Sec. 18-253. Copy on file.](#)

[Sec. 18-254. Violations and penalties.](#)

[Sec. 18-255. Fees.](#)

[Secs. 18-256—18-270. Reserved.](#)

Sec. 18-251. Adoption of International Fuel Gas Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the fuel gas code of the Town, Chapters 1 through 8 and Appendices A and B of the International Fuel Gas Code, 2006 Edition, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-252 below.

(Ord. 7-2007 §9)

Sec. 18-252. Amendments and deletions.

The International Fuel Gas Code adopted by the Town pursuant to Section 18-251 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

"...Fuel Gas Code of the Town of Buena Vista, Colorado..."

- (2) Section 303.3, Prohibited locations, is amended by adding:

"...except with prior approval of the building official and where..."

- (3) Section 310.1, Gas pipe bonding, is amended in its entirety to read:

"As required by the 2005 National Electrical Code."

- (4) Section 403.5.2, Copper and brass tubing, is amended in its entirety to read:

"Copper tubing, fittings or pipe shall not be installed downstream of the riser."

- (5) Section 404.4, Piping through foundation wall, shall be amended by adding:

"Gas piping shall daylight immediately prior to penetrating the foundation."

- (6) Section 503.8. 3. is amended to read:

" ... The bottom of the vent terminal and air intake shall be located at least 18" above grade."

(Ord. 7-2007 §9)

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ARTICLE XII Fuel Gas Code

Sec. 18-253. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such code shall also be made available for copying or purchase by the public at a reasonable cost.

(Ord. 7-2007 §9)

Sec. 18-254. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's fuel gas code or regulations. Violations of this Article and/or the fuel gas code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated.

(Ord. 7-2007 §9)

Sec. 18-255. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule, taking into consideration the time and cost to the Town in reviewing applications and plans for any usage to which this fuel gas code is applicable and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall.

(Ord. 7-2007 §9)

Secs. 18-256—18-270. Reserved.

ARTICLE XIII Existing Building Code

[Sec. 18-271. Adoption of International Existing Building Code.](#)

[Sec. 18-272. Amendments and deletions.](#)

[Sec. 18-273. Copy on file.](#)

[Sec. 18-274. Violations and penalties.](#)

[Sec. 18-275. Fees.](#)

[Secs. 18-276—18-290. Reserved.](#)

Sec. 18-271. Adoption of International Existing Building Code.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted as the existing building code of the Town, Chapters 1 through 15 and Appendices A and B of the International Existing Building Code, 2006 Edition, published by the International Code Council, Inc., 500 New Jersey Avenue, N.W., Sixth Floor, Washington, D.C. 20001, to have the same force and effect as if set forth herein in every particular; provided, however, that such code is amended by the changes set forth in Section 18-272 below.

(Ord. 7-2007 §10)

Sec. 18-272. Amendments and deletions.

The International Existing Building Code adopted by the Town pursuant to Section 18-271 above is amended with respect to the following sections or provisions:

- (1) Section 101.1 is amended by adding:

" ... Existing Building Code of the Town of Buena Vista, Colorado ... "

(Ord. 7-2007 §10)

Sec. 18-273. Copy on file.

At least one (1) true and certified copy of the code adopted in this Article shall be filed and maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of such code shall also be made available for copying or purchase by the public at a reasonable cost.

(Ord. 7-2007 §10)

Sec. 18-274. Violations and penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the Town's existing building code or regulations. Violations of this Article and/or the existing building code shall be punishable by a fine not to exceed one thousand dollars

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ARTICLE XIII Existing Building Code

(\$1,000.00) or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated.

(Ord. 7-2007 §10)

Sec. 18-275. Fees.

Every permit issued under this Article shall be subject to the full and timely payment of a fee. The Town Administrator shall establish and update from time to time a permit fee schedule, taking into consideration the time and cost to the Town in reviewing applications and plans for any usage to which this existing building code is applicable and for inspections thereof. All fees established by the Town Administrator must be approved by resolution by the Board of Trustees. The Town Administrator shall prominently post and otherwise make available to interested persons copies of the fee schedule at the Town Hall.

(Ord. 7-2007 §10)

Secs. 18-276—18-290. Reserved.

ARTICLE XIV Construction of Hangars at the Buena Vista Municipal/Central Colorado Regional Airport

ARTICLE XIV Construction of Hangars at the Buena Vista Municipal/Central Colorado Regional Airport

[Sec. 18-291. Intent.](#)

[Sec. 18-292. Applicability.](#)

[Sec. 18-293. Development review process.](#)

[Sec. 18-294. Permitting and construction.](#)

[Sec. 18-295. Design standards.](#)

[Secs. 18-296—18-310. Reserved.](#)

Sec. 18-291. Intent.

These standards shall be known as the Airport Hangar Construction and Design Standards as cited in the Airport Layout Plan. The purpose of these design standards is to ensure consistent high-quality construction and to protect and enhance the investment of all those locating within the Airport Layout Plan area. These standards provide a basis for directing and evaluating the planning and architectural design of improvements to each hangar lot.

(Ord. 7 §2, 2009)

Sec. 18-292. Applicability.

As a condition of all ground leases and subleases, tenants shall comply with all local codes, ordinances and regulations enacted by the Town as well as all applicable rules and regulations of the Federal Aviation Administration (FAA). The Airport Manager must give prior written approval for any of the work items listed below. If emergency work is necessary to protect or minimize further damage to the improvements or building contents, the emergency work may be completed and notification provided to the Airport Manager as soon as possible after the fact. Upon notification, the tenant is responsible to provide to the Airport Manager a written description of the work conducted or a set of plans of the work that was completed.

- (1) New hangar construction.
- (2) Additions, remodeling or structural alterations.
- (3) Demolition of hangars.
- (4) Boring under or open cutting of leasehold driveways, taxi lanes or access roads.
- (5) New or replacement water and sanitary sewer services.
- (6) Outdoor signs, permanent or temporary, and replacement signs.
- (7) Fencing.
- (8) Reroofing.
- (9) Filling, grading or excavation on leasehold property.

(Ord. 7 §2, 2009)

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Sec. 18-293. Development review process.

The following review process applies to Section 18-292 above. All submittals shall be sent to the Airport Manager for completeness review prior to submittal to the Airport Design Review Committee (DRC) for final review and approval.

- (1) Plan submittal. The tenant shall submit five (5) copies of a plan for construction. The plan shall include a written description of the proposed development, site plans, structural plans, material specifications and an estimated time frame for completion. The contents of the final plan package will depend upon the type and extent of construction. Drawings shall be twenty-two (22) inches by thirty-four (34) inches unless previously approved by the DRC.
- (2) Plan revisions (if required). If the Airport Manager requests plan revisions after the preliminary review of the construction plan package, the tenant must complete the plan revisions and forward five (5) copies to the Airport Manager for final review before plans are forwarded to the DRC for further consideration.
- (3) Approval.
 - a. Airport Design Review Committee. The Board of Trustees has appointed an Airport Design Review Committee (DRC) to govern the approval process for future development and redevelopment on the Municipal Airport. Prior to any improvements occurring, the DRC will review and approve plans and specifications of any development. The DRC shall consist of the members of the Airport Board as appointed by the Board of Trustees.
 - b. Processing requirements of the Airport Design Review Committee.
 1. Preapplication meeting. The applicant will meet with the Airport Manager to determine how best to facilitate the project.
 2. Application submittal. Following submittal of plans revised during preliminary review by the Airport Manager, the DRC will review, as soon as possible but no more than thirty (30) days from the date of revised submittal, and approve or deny the application. All applications will be evaluated based upon the Airport Hangar Construction and Design Standards and comments/recommendations of the Airport Engineer.

Upon complete approval of the final plan package by the DRC, the Airport Manager will send an approval letter to the tenant and the Planning Department. This letter is required prior to issuance of construction permits.

Appeals of any decision of the DRC may be made to the Board of Trustees as provided in Article I of this Chapter.

- (4) FAA approval.
 - a. For any construction or alteration of buildings on airport property, the tenant must submit an FAA Form 7460-1, Notice of Proposed Construction or Alteration, for review and approval. The submittal must include information on building locations, crane or equipment heights and whether the construction and/or equipment are permanent or temporary. A copy of the original 7460-1 shall be submitted to the Airport Manager, who will forward it to the FAA. Construction will not be allowed to start until the FAA has approved the Form 7460-1 submittal. Applicants should anticipate a minimum of thirty (30) to ninety (90) days for the FAA to review Form 7460-1. Copies of the FAA Form 7460-1 are available from the Airport Manager's office.
 - b. When hangar construction or alteration begins, FAA Form 7460-2, Notice of Actual Construction or Alteration, should be submitted to the Airport Manager, who will forward it to the FAA.

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- c. Any construction or alteration of hangars is subject to FAA inspection before, during and following construction.

(Ord. 7 §2, 2009)

Sec. 18-294. Permitting and construction.

- (a) A building permit is not required for Airport DRC approval of a tenant's plans. However, a tenant is required to obtain a building permit prior to beginning construction. Copies of all permits obtained from local municipalities and/or any other appropriate jurisdictions must be submitted to the Airport Manager prior to starting construction.
- (b) Copies of all structural plans, site plans and materials specifications shall be provided to the Town for review and approval prior to the issuance of a building permit. The County will review the plans for compliance with all applicable building codes under a separate review.
- (c) The Town or its agent shall make inspections during construction of any approved building. No changes to or variations from approved plans and specifications shall be permitted unless approved in writing by all reviewing agencies.
- (d) Construction of any approved structure or material component thereof may not commence until the following documents or proofs thereof are provided to the Town for review and approval:
 - (1) Contractor's comprehensive general liability insurance and automobile liability insurance policies in an amount not less than seven hundred fifty thousand dollars (\$750,000.00) for injuries, including accidental death, to any one (1) person and subject to the same limit for each person, and in an amount of not less than one million five hundred thousand dollars (\$1,500,000.00) on account of one (1) occurrence. Contractor's property damage liability insurance shall be in an amount of not less than five hundred thousand dollars (\$500,000.00).
 - (2) Property insurance upon the entire work at the site to the full insurable value thereof. This insurance shall include the interest of the lessee, the contractor and subcontractors in the work, shall insure against perils of fire and extended coverage and shall include an "all risk" insurance for physical loss or damage, including, without duplication of coverage, theft, vandalism and malicious mischief.
 - (3) A performance, material and labor payment bond payable to the Town in an amount equal to the entire cost of the project. A one-year maintenance bond equal to ten percent (10%) of the amount of the performance, material and labor payment bond shall be required upon substantial completion of the work.
 - (4) Any failure on the part of the lessee to comply with Town requirements or any failure to complete a construction project according to the approved plans and specifications or within a reasonable time as determined by the Town shall be cause for the Town to revoke any ground lease with the lessee of the project and require that the structure be removed from the airport property. In addition to the foregoing remedies, the Town shall retain all other remedies provided by the lease terms or applicable law.
 - (5) All electrical and plumbing elements shall be installed by a licensed contractor.

(Ord. 7 §2, 2009)

Sec. 18-295. Design standards.

The following are the design standards for all construction at the Buena Vista Municipal Airport:

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- (1) Exterior.
 - a. All exterior surfaces shall be of prefinished aluminum, steel, decorative masonry or precolored laminate. No painted wood, unfinished materials or excessive glass walls will be permitted. No damaged materials will be allowed.
 - b. All exterior colors and materials shall be of neutral tones and colors and must be submitted for review and approval by the DRC.
 - c. The front, rear and all sides of all buildings shall be of compatible design and aesthetics.
 - d. All roofs shall be metal or cement tile and match the exterior type.
 - e. Building materials shall not cause glare or reflections that will interfere with flight operations, airport operations or ground circulation.
 - f. All new construction shall be of high quality and utilize material and finishes which will have a minimum twenty-year warranty.
- (2) Floor construction. All floors must be constructed of concrete.
- (3) Doors. Bi-fold doors are recommended because of their ease of operation. Approved swing-out, overhead or sliding doors may also be used. All pedestrian doors must be of prefinished metal or fiberglass construction in metal jambs. No wood doors or jambs will be permitted on exterior access areas. The minimum width of any pedestrian door shall be no less than thirty-six (36) inches except doors embedded in bi-fold doors.
- (4) Grading. Grading must be designed with consideration given to the existing drainage of the building area. No site will be developed and no use permitted that will result in water runoff causing ponding, flooding, erosion or deposit of minerals on adjacent property. Drainage shall not negatively impact adjacent properties and shall flow into the airport's natural or developed drainage. Drainage from roofs shall not cause erosion or affect adjacent properties. Plan submittal shall include a drainage plan that will require review and approval of the DRC.
- (5) Sanitary sewer and water connections.
 - a. If tenants choose to have sanitary sewer and water available at their hangar, they must connect to available sanitary sewer and water system.
 - b. Tenants who connect to the public sanitary sewer and water system are responsible for all costs associated with the installation and maintenance of their connection from the utility lateral line to their hangar.
- (6) Exterior lighting. Lighting shall be shielded to prevent discharge of illumination, light scatter or source glare above a horizontal plane and to eliminate glare for aircraft pilots. Lighting shall also be mounted to minimize glare to pilots of aircraft and personnel on surrounding taxiways, taxi lanes and aprons. Plan submittal shall include exterior lighting information.
- (7) Landscaping. For commercial hangars where water is available and landscaping is desired, a landscaping plan is required with the final plan submittal for review and approval by the DRC, Town Water Department and other appropriate referral agents (i.e., Airport Engineer). No trees, berry-producing shrubs or other vegetation that provides cover and reproductive habitat for wildlife shall be allowed. Any grasses planted are the responsibility of the tenant to keep mowed and trimmed so as to minimize the provision of cover and concealment for wildlife.
- (8) Signage. Except as modified by the provisions that follow, signs at the airport shall comply with the applicable Town Sign Code, Section 16-242 of this Code.
 - a. Signs, if installed, shall be installed at a height visible to taxiing pilots.
 - b. Illuminated signs shall be backlit, not by floodlight, and approved as a special use as required by Subsection 16-242(h) of this Code.

CHAPTER 18 - Building Regulations

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- c. Signs may be mounted on the side of a building or over doors.
- d. Signs must conform to the Town code for signage in I-1 zoning districts.
- e. All buildings shall post occupant identification and emergency contact information.

(Ord. 7 §2, 2009)

Secs. 18-296—18-310. Reserved.